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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,687	02/16/2001	Rocky Stewart	BEAS-01033US3 SRM/KFK	3903
23910	7590	08/01/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,687

Applicant(s)

STEWART ET AL.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05202005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This Office Action is in response to the amendment filed 20 May 2005.
2. Claims 1 and 11 were amended.
3. Claims 1-22 are pending in this Office Action.

Response to Amendment

4. Applicant's amendments and arguments with respect to claims 1-22 filed on 20 May 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Achacoso et al. (U.S. 6,161,149) and further in view of Ozzie et al. (U.S. 6,640,241).

Achacoso teaches the invention substantially as claimed including a system for communicating information among members of a discussion group using a central agent. The central agent receives and stores messages, causing discussions to be maintained.

7. With respect to claim 1, Achacoso teaches a collaboration system, that supports conversations between participants over multiple business protocols comprising:

A collaboration hub hosting a central collaboration hub (Achacoso, col. 8, lines 35-37) hosting a plurality of collaboration spaces and capable of receiving and sending messages between participants as part of a conversation between the participants, where a conversation is a collective set of the messages, and where each of the collaboration spaces stores the set of messages for a particular conversation (Achacoso, col. 6, line 61 – col. 7, line 20) and where each combination of collaboration space and business protocol is associated with a uniform resource locator that allows a participant using a particular business protocol to access a collaboration space using the uniform resource locator associated with that combination (Achacoso, col. 6, lines 47-50); and a messaging protocol that allows the collaboration hub to determine the status of a conversation and its participants (Achacoso, col. 6, lines 51-55).

Achacoso does not explicitly teach the use of specific business protocols.

However, Ozzie teaches a set of messages that may be accessed by the participants using any of a plurality of business protocols (Ozzie, col. 9, lines 14-19), and a messaging protocol where the messaging protocol provides an ability to specify the business protocol for a given conversation (Ozzie, col. 14, line 63 – col. 15, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Achacoso in view of Ozzie in order to enable the use of specific business protocols. One would be motivated to do so in order to facilitate and enhance communication between businesses.

8. With respect to claim 2, Ozzie teaches the invention described in claim 1, including the message routing mechanism where routing criteria for a message are specified by the message protocol (Ozzie, col. 16, lines 36-40).
9. With respect to claim 3, Ozzie teaches the invention described in claim 2, including the message routing mechanism where the routing criteria is specified in a message overhead (Ozzie, col. 18, lines 19-31).
10. With respect to claim 4, Ozzie teaches the invention described in claim 3, including the message routing mechanism where the collaboration hub includes a repository of participant and conversation information which can be matched against a message overhead to determine the routing for a message (Ozzie, col. 18, lines 19-31).
11. With respect to claim 5, Ozzie teaches the invention described in claim 4, including the message routing mechanism of claim 4 further comprising a message router for routing a message depending on the content of the message overhead and the content of the repository (Ozzie, col. 18, lines 19-31).
12. With respect to claim 6, Ozzie teaches the invention described in claim 4, including the message routing mechanism further comprising a message filter for filtering a message

depending on the content of the message overhead and the content of the repository (Ozzie, col. 16, lines 44-55).

13. With respect to claim 7, Ozzie teaches the invention described in claim 1, including the message routing mechanism further comprising a messaging bridge for transferring messages from a first collaboration space to a second collaboration space (Ozzie, col. 20, lines 38-43).
14. With respect to claim 8, Ozzie teaches the invention described in claim 1, including the message routing mechanism further comprising a messaging gateway for transferring messages from a collaboration space to a business messaging system (Ozzie, col. 18, lines 38-58).
15. With respect to claim 9, Ozzie teaches the invention described in claim 8, including the message routing mechanism where the business messaging system is any of an XML, CSML, Ariba NET or equivalent messaging system (Ozzie, col. 9, lines 14-19).
16. With respect to claim 10, Ozzie discloses the message routing mechanism further comprising a messaging proxy for transferring messages to a messaging device (Ozzie, col. 21, lines 35-40).

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17. With respect to claim 11, Achacoso teaches a method for routing messages between participants in a collaboration system involving multiple business protocols, comprising the steps of:

Hosting a plurality of collaboration spaces at a central collaboration hub (Achacoso, col. 8, lines 35-37), capable of receiving and sending messages between participants, as part of a conversation between the participants, where a conversation is a collective set of the messages, and where each of the collaboration spaces stores the set of messages for a particular conversation (Achacoso, col. 6, line 61 – col. 7, line 20), and where each combination of collaboration space and business protocol is associated with a uniform resource locator that allows a participant using a particular business protocol to access a collaboration space using the uniform resource locator associated with that combination (Achacoso, col. 6, lines 47-50); and sending messages within the collaboration space using a messaging protocol that allows the collaboration hub to determine the status of a conversation and its participants (Achacoso, col. 6, lines 51-55).

Achacoso does not explicitly teach the use of specific business protocols.

However, Ozzie teaches a set of messages that may be accessed by the participants using any of a plurality of business protocols (Ozzie, col. 9, lines 14-19), and a messaging protocol where the messaging protocol provides an ability to specify the business protocol for a given conversation (Ozzie, col. 14, line 63 – col. 15, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Achacoso in view of Ozzie in order to enable the use of specific

business protocols. One would be motivated to do so in order to facilitate and enhance communication between businesses.

18. With respect to claim 12, Ozzie teaches the invention described in claim 11, including specifying the routing criteria for a message by the message protocol (Ozzie, col. 16, lines 36-40).

19. With respect to claim 13, Ozzie teaches the invention described in claim 12, including specifying the routing criteria in the message overhead (Ozzie, col. 18, lines 19-31).

20. With respect to claim 14, Ozzie teaches the invention described in claim 13, including storing a repository of participant and conversation information which can be matched against a message overhead to determining routing for a message (Ozzie, col. 18, lines 19-31).

21. With respect to claim 15, Ozzie teaches the invention described in claim 14, including further comprising routing a message depending on the content of the message overhead and the content of the repository (Ozzie, col. 18, lines 19-31).

22. With respect to claim 16, Ozzie teaches the invention described in claim 14, including further comprising filtering a message depending on the contact of the message overhead and the content of the repository (Ozzie, col. 16, lines 44-55).

23. With respect to claim 17, Ozzie teaches the invention described in claim 11, including further comprising: sending a message via a messaging bridge from a first collaboration space to a second collaboration space (Ozzie, col. 20, lines 38-43).
24. With respect to claim 18, Ozzie teaches the invention described in claim 11, including further comprising: sending a message via a messaging gateway from a collaboration space to a business messaging system (Ozzie, col. 18, lines 38-58).
25. With respect to claim 19, Ozzie teaches the invention described in claim 18, including the where the business messaging system is any of an XML, CSML, Ariba NET or equivalent messaging system (Ozzie, col. 9, lines 14-19).
26. With respect to claim 20, Ozzie teaches the invention described in claim 11, including further comprising: sending a message via a messaging proxy from a collaboration space (Ozzie, col. 21, lines 35-40).
27. With respect to claim 21, Ozzie teaches the invention described in claim 1, including the message routing mechanism including a message router that routes a message (Ozzie, col. 18, lines 19-31) and a message filter that filters a message (Ozzie, col. 16, lines 44-55).

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28. With respect to claim 22, Ozzie discloses the invention described in claim 11, including the method including the steps of routing (Ozzie, col. 18, lines 19-31) and filtering a message (Ozzie, col. 16, lines 44-55).

Response to Arguments

29. Applicant's arguments filed 20 May 2005 have been fully considered, but they are not persuasive for the reasons set forth below.

30. ***Applicant Argues:*** Applicant states "Applicant respectfully submits that the communication process described in Ozzie appears to be a peer-to-peer communication, wherein each peer has a communication manager. However, in the embodiment defined by Claim 1, as currently amended, the communication between participants occurs over a central hub."

In Response: The examiner respectfully submits that Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

31. ***Applicant Argues:*** Applicant states "Ozzie does not appear to disclose or suggest any messaging protocol that provides an ability to specify the business protocol for a given conversation."

In Response: The examiner respectfully submits that Ozzie teaches a delta that contains commands that are identified to a specific engine (messaging protocol that specifies the business protocol), and when the enqueued delta is processed by the dynamics manager, the dynamics manager directs the delta's execution by the appropriate engine (See Ozzie, Fig. 5, elements 504 and 544; col. 14, line 63 – col. 15, line 2).

32. ***Applicant Argues:*** Applicant states “Ozzie does not appear to disclose or suggest the use of collaboration spaces, or a means to support conversations using multiple business protocols.”

In Response: The examiner respectfully submits that Applicant's arguments with respect to claim 1 with respect to the use of collaboration spaces have been considered but are moot in view of the new ground(s) of rejection. Additionally, the recitation “supporting conversations using multiple business protocols” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 26, 2005



SALEH NAJJAR
PRIMARY EXAMINER